



General Assembly

Substitute Bill No. 5705

January Session, 2005

* HB05705HS_APP032905 *

AN ACT CONCERNING RECOUPMENT OF FUNERAL AND BURIAL EXPENSES PAID BY THE DEPARTMENT OF SOCIAL SERVICES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 17b-84 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2005*):

3 Upon the death of any beneficiary, under the state supplement,
4 state-administered general assistance or the temporary family
5 assistance program the [commissioner] Commissioner of Social
6 Services shall order the payment of a sum not to exceed [one thousand
7 dollars for the fiscal year ending June 30, 1987, one thousand one
8 hundred dollars for the fiscal year ending June 30, 1988, and] one
9 thousand two hundred dollars for the fiscal year ending June 30, 1989,
10 and subsequent fiscal years as an allowance toward the funeral and
11 burial expenses of such deceased. The payment for funeral and burial
12 expenses shall be reduced by the amount in any revocable or
13 irrevocable funeral fund, prepaid funeral contract or the face value of
14 any life insurance policy owned by the recipient. The commissioner, in
15 calculating the allowance for funeral and burial expenses of the
16 deceased, shall exclude liquid assets of the deceased in an amount not
17 to exceed the current asset limits used when making eligibility
18 determinations for the particular program in which the deceased was
19 enrolled. Contributions may be made by any person for the cost of the

20 funeral and burial expenses of the deceased over and above the sum
21 established under this section without thereby diminishing the state's
22 obligation.

23 Sec. 2. Section 17b-95 of the general statutes is repealed and the
24 following is substituted in lieu thereof (*Effective July 1, 2005*):

25 (a) Subject to the provisions of subsection (b) of this section, upon
26 the death of a parent of a child who has, at any time, been a beneficiary
27 under the program of aid to families with dependent children, the
28 temporary family assistance program or the state-administered general
29 assistance program, or upon the death of any person who has at any
30 time been a beneficiary of aid under the state supplement program,
31 medical assistance program, aid to families with dependent children
32 program, temporary family assistance program or state-administered
33 general assistance program, except as provided in subsection (b) of
34 section 17b-93, the state shall have a claim against such parent's or
35 person's estate for all amounts paid on behalf of each such child or for
36 the support of either parent or such child or such person under the
37 state supplement program, medical assistance program, aid to families
38 with dependent children program, temporary family assistance
39 program or state-administered general assistance program for which
40 the state has not been reimbursed, to the extent that the amount which
41 the surviving spouse, parent or dependent children of the decedent
42 would otherwise take from such estate is not needed for their support.

43 (b) (1) In the case of any person dying after October 1, 1959, the
44 claim for medical payments, even though such payments were made
45 prior thereto, shall be restricted to medical disbursements actually
46 made for care of such deceased beneficiary.

47 (2) In the case of any person dying on or after July 1, 2005, who at
48 the time of death was a recipient of state supplement, temporary
49 family assistance or state-administered general assistance benefits and
50 who was provided burial and funeral assistance pursuant to section
51 17b-84, as amended by this act, the liquid assets of any such person

52 shall be secure against a claim from the state in an amount not to
53 exceed the current asset limits used by the Department of Social
54 Services when making eligibility determinations for such programs.

55 (c) Claims pursuant to this section shall have priority over all
56 unsecured claims against such estate, except (1) expenses of last
57 sickness not to exceed three hundred seventy-five dollars, (2) funeral
58 and burial expenses in accordance with section 17b-84, as amended by
59 this act, and (3) administrative expenses, including probate fees and
60 taxes, and including fiduciary fees not exceeding the following
61 commissions on the value of the whole estates accounted for by such
62 fiduciaries: On the first two thousand dollars or portion thereof, five
63 per cent; on the next eight thousand dollars or portion thereof, four per
64 cent; on the excess over ten thousand dollars, three per cent. Upon
65 petition by any fiduciary, the Probate Court, after a hearing thereon,
66 may authorize compensation in excess of the above schedule for
67 extraordinary services. Notice of any such petition and hearing shall be
68 given to the Commissioner of Administrative Services in Hartford at
69 least ten days in advance of such hearing. The allowable funeral and
70 burial payment herein shall be reduced by the amount of any prepaid
71 funeral arrangement. Any amount paid from the estate under this
72 section to any person which exceeds the limits provided herein shall be
73 repaid to the estate by such person, and such amount may be
74 recovered in a civil action with interest at six per cent from the date of
75 demand.

76 (d) For purposes of this section, all sums due on or after July 1, 2003,
77 to any individual after the death of a public assistance beneficiary
78 pursuant to the terms of an annuity contract purchased at any time
79 with assets of a public assistance beneficiary, shall be deemed to be
80 part of the estate of the deceased beneficiary and shall be payable to
81 the state by the recipient of such annuity payments to the extent
82 necessary to achieve full reimbursement of any public assistance
83 benefits paid to, or on behalf of, the deceased beneficiary irrespective
84 of any provision of law. The recipient of beneficiary payments from
85 any such annuity contract shall be solely liable to the state of

86 Connecticut for reimbursement of public assistance benefits paid to, or
87 on behalf of, the deceased beneficiary to the extent of any payments
88 received by such recipient pursuant to the annuity contract.

This act shall take effect as follows and shall amend the following sections:		
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Section 1	<i>July 1, 2005</i>	17b-84
Sec. 2	<i>July 1, 2005</i>	17b-95

HS

Joint Favorable Subst. C/R

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